IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20337 of 2001

Between:

K. Swarupa, W/o. Krishna Reddy,
R/o. 1-27, Injapur,
Hayathnagar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The District Collector,
Ranga Reddy District, Hyderabad- 500 004.
2 The Superintending Engineer, APTRANSCO,
Mint Compound, Hyderabad- 500022.
3 The Assistant Divisional Engineer, Operation Rural (South),
APTRANSCO, Champapet,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or Direction declaring the action of the Respondents in disconnecting power supply to the Petitioner's service No.560 to the bore-well situated in Plot No.11, Survey No.200 (old) and 200/1(New), Sugar Complex, Sahebnagar Kalan, Hayatnagar (M), Ranga Reddy District as illegal, arbitrary and unjustified and direct the Respondents 2 to 3 to restore the power supply and further direct not to disconnect the power supply without any notice to the Petitioner.

Counsel for the Petitioner:MR.S.GANESH RAO

Counsel for the Respondents 2 and 3: MR.K.N.JWALA

Counsel for Respondent No.1: G.P. for Revenue.

The Court made the following :

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ORAL ORDER:

This writ petition is filed, seeking writ of Mandamus, to declare the action of the respondents 2 and 3, in disconnecting the power supply at Plot No.11 in Sy.No.200 (old) and 200/1 (new), situated at Sahebnagar Kalan, Hayatnagar Mandal, Ranga Reddy District.

It is the case of the petitioner that, the power connection to his service No.560 was disconnected pursuant to ex parte orders issued by the District Collector, Ranga Reddy District on 17.9.2001, vide Lr.No.Collr/Spl/2001.

I have perused the copy of the said letter, wherein instructions were issued by the Collector for disconnection of power supply, on a complaint made by M/s Sagar Complex Residents Association, Vanasthalipuram, on the alleged exploitation of ground water by the petitioner. But, however, from a perusal of the notice dated 25.9.2001, issued by the Assistant Engineer, Operation, Turkayamjal, there is no indication of issuing any prior notice to the petitioner, before acting upon the instructions given by the Collector.

At the stage of admission, this court has directed restitution of power supply, by order dated 28.9.2001. Though this writ petition is of the year 2001, no counter

affidavit is filed on behalf of the respondents. On a perusal of the record, it is clearly established that the said instructions of disconnection of power supply were issued by the District Collector, without conducting any enquiry and prior opportunity to the petitioner. Further, the provisions under the Andhra Pradesh Ground Water (Regulation for Drinking Water purposes) Act, 1996 (for short 'the Act'), contemplates issuance of notice, before taking such steps.

As much as it is the case of the petitioner that power supply is disconnected at the instance of the District Collector, who has issued written instructions without prior notice to the petitioner, I dispose of the writ petition directing the respondents to continue the power supply, which is restored pursuant to the interim orders of this court, to the petitioner's service. But, however, I keep it open for the competent authority to issue notice to the petitioner, if there is any violation of the provisions of the Act, and pass appropriate orders.

Subject to above direction, the writ petition is allowed. No order as to costs.

7.7.2005

CVM

To,

1 The District Collector,
Ranga Reddy District, Hyderabad- 500 004.
2 The Superintending Engineer, APTRANSCO,
Mint Compound, Hyderabad- 500022.
3 The Assistant Divisional Engineer, Operation Rural (South),

APTRANSCO, Champapet,
Hyderabad.

4. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.